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By Clayton

H.B. No. 186

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition against substantial alterations in approved plans and specifications of projects and improvements undertaken by water districts and providing actions against directors of a district who do not comply with plans and specifications approved by the Texas Water Rights Commission; amending Section 139, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7880-139, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 139, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended by Section 3, Chapter 336, Acts of the 57th Legislature, Regular Session, 1961 (Article 7880-139, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 139. The Texas Water Rights Commission shall be and is constituted a commission to investigate and report upon the organization and feasibility of all districts which shall issue bonds under the provisions hereof. All such districts desiring to issue bonds for any purpose shall submit in writing to the commission an application for investigation, together with a copy of the engineer's report and a copy of data, profiles, maps, plans, and specifications prepared in connection therewith. The commission or its designated agents shall examine same and shall visit the project and carefully inspect the same and may ask for and shall be supplied with additional data and information requisite to a reasonable and careful investigation of the project and proposed improvements. They shall file in their office in writing their suggestions for changes and improvement and furnish a copy thereof to the board of directors of such district. If the commission shall finally approve or refuse to approve such project, or the issuance of bonds for such improvements, they shall make a full written report thereon, file same in their office and furnish a copy of same to the board of directors of said district. During the course of construction of such project and improvements, no substantial alterations shall be made in the plans and specifications without the approval of the commission. The commission or its designated agent shall have full authority to inspect the works of improvement at any time during construction to determine if the project is being constructed in accordance with the plans and specifications approved by the commission. In the event the commission finds that the project is not being constructed in accordance with the approved plans and specifications, then the

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1 commission immediately shall notify in writing by certified mail
2 each member of the board of directors of such water district and
3 its manager, if there be one. If, within 10 days after the notice
4 is mailed, the directors of the district do not take steps to
5 insure that the project is being constructed in accordance with
6 the approved plans and specifications, the commission shall give
7 written notice of that fact to the attorney general. When the
8 attorney general receives this notice, he may bring an action for
9 injunctive relief, or he may bring quo warranto proceedings against
10 the directors. Venue for either of these actions is exclusively
11 in the District Court of Travis County. 'Designated agent,' as used
12 in this section shall mean any licensed engineer selected by the
13 commission to perform the functions as specified herein."

14 Sec. 2. The importance of this legislation and the crowded
15 condition of the calendars in both houses create an emergency and
16 an imperative public necessity that the Constitutional Rule requir-
17 ing bills to be read on three several days in each house be sus-
18 pended, and this Rule is hereby suspended.

BILL ANALYSIS

1. BACKGROUND INFORMATION

The Board of Water Engineers is now the Water Rights Commission which is vested with the responsibility of approving and overseeing projects and improvements undertaken by water districts.

The present law requires only that notice be given by a water district that it is going to make substantial alterations in its originally approved plans for a project or improvement. The Water Rights Commission is responsible for insuring the safety of these projects, and yet it has no control after the original plans are approved.

2. WHAT THE BILL PROPOSES TO DO

H.B. ^{no.}186 requires that the Water Rights Commission approve any substantial alterations to be made in projects or improvements by water districts.

3. SECTION BY SECTION ANALYSIS

Section 1. Amends Article 7880-139, Vernon's Civil Statutes, to require that the Water Rights Commission approve any substantial alterations to be made in a water district project or improvement.

Provides that if a district, within 10 days after receiving a notice from the commission, fails to cease making alterations in its approved plans, the commission must notify the attorney general of the situation and he may seek injunctive relief from the District Court of Travis County.

Section 2. Declares an emergency.

4. SUMMARY OF COMMITTEE ACTION

H.B. 186 ^{no.} was reported favorably by the Committee.

FORM A

(For favorable and unfavorable reports on bills and resolutions,
where no committee amendments are recommended.)

COMMITTEE REPORT

Date March 20, 1967

HON. BEN BARNES,
Speaker of the House of Representatives.

SIR:

We, your Committee on State Affairs, to whom was
referred HB No. 186, have had the same under
consideration and beg to report back with recommendation that it (do)
pass.

Blum

Chairman.

By: Clayton

H.B. No. 186

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H.B. No. 186

in the District Court of Travis County. 'Designated agent,' as used in this section shall mean any licensed engineer selected by the commission to perform the functions as specified herein."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

Austin, Texas

May 1, 19 67

Hon. Preston Smith
President of the Senate

Sir:

We, your Committee on Water and Conservation,
to which was referred H. B. No. 136, have had the same
under consideration, and I am instructed to report it back to
the Senate with the recommendation that it do _____
pass _____ and be _____ printed.

Parkhouse
Chairman

CAS

ENROLLED

H.B. No. 186

AN ACT

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Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 186 was passed by the House on April 12, 1967, by a non-record vote.

Chief Clerk of the House

I hereby certify that H.B. No. 186 was passed by the Senate on May 25, 1967, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 6-16-67
Date

John Connally
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:25 PM O'CLOCK

JUN 17 1967
John L. Vee
Secretary of State

H.B. No. 186 By Clayton

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FILED JAN 24 1967

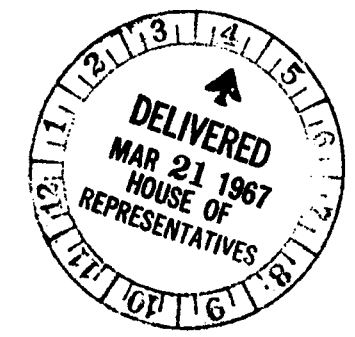
JAN 26 1967 READ 1ST TIME
AND REFERRED TO COMMITTEE ON
State Affairs

3-20-67 REPORTED FAVORABLY SENT TO PRINTER

PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 3:45 P.M. MAR 21 1967
(Time) (Date)

APR 12 1967
READ SECOND
TIME _____ AND
ORDERED _____ ENGROSSED
non-record vote

Dorothy Hallman
Chief Clerk, House of Representatives



APR 12 1967
Constitutional
Rule requiring bills to be read on
three several days suspended by
a four-fifths vote.
Yeas 132 Nays 10

Dorothy Hallman
Chief Clerk, House of Representatives

APR 12 1967
Read third time
non-record and Passed
by following vote: yeas

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES



APR 12 1967
MOTION TO RECONSIDER THE VOTE BY
WHICH H.B. #186 WAS
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-
SIDER PREVAILED BY A non-record VOTE
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 12 1967 SENT TO ENGROSSING CLERK

By: Clayton

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1-24-67 Filed.

1-26-67 Read first time and referred to Committee on State Affairs.

3-20-67 Reported favorably, sent to printer.

3-21-67 Printed, distributed and referred to Committee on Rules at 3:45 p.m.

4-12-67 Read second time and ordered engrossed by a non-record vote.

4-12-67 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 132, Nays 10.

4-12-67 Read third time and passed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

4-12-67 Sent to Engrossing Clerk.

4-12-67 Engrossed.

Area Supp
Engrossing Clerk, H. of R.

APR 13 1967

APR 13 1967

IN THE SENATE

Received from the House

APR 19 1967

Read first time
and referred to Committee
on Water and Conservation

MAY 1 1967

Reported Favorably

MAY 25 1967

READ SECOND TIME

AND PASSED TO THIRD READING.

MAY 25 1967

Senate Rule 32 and
Constitutional Rule (Sec. 32, Art. III)
suspended by a vote of 31 yeas,
0 nays, to place bill on third
reading and final passage.

MAY 25 1967

READ THIRD TIME AND PASSED
BY THE FOLLOWING VOTE:

Yeas 31 Nays 0

Charles Schnabel
Secretary of the Senate

MAY 25 1967

SENT TO HOUSE

MAY 25 1967

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 25 1967 SENT TO ENROLLING CLERK